

§ 42.2

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and having at least 50 per centum of blood of the American Indian race.

**§ 42.2 Aliens not required to present passports.**

An immigrant within any of the following categories is not required to present a passport in applying for an immigrant visa:

(a) *Certain relatives of U.S. citizens.* An alien who is the spouse, unmarried son or daughter, or parent, of a U.S. citizen, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(b) *Returning aliens previously lawfully admitted for permanent residence.* An alien previously lawfully admitted for permanent residence who is returning from a temporary visit abroad, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(c) *Certain relatives of aliens lawfully admitted for permanent residence.* An alien who is the spouse, unmarried son or daughter, or parent of an alien lawfully admitted for permanent residence, unless the alien is applying for a visa in the country of which the applicant is a national and the possession of a passport is required for departure.

(d) *Stateless persons.* An alien who is a stateless person, and accompanying spouse and unmarried son or daughter.

(e) *Nationals of Communist-controlled countries.* An alien who is a national of a Communist-controlled country and who is unable to obtain a passport from the government of that country, and accompanying spouse and unmarried son or daughter.

(f) *Alien members of U.S. Armed Forces.* An alien who is a member of the U.S. Armed Forces.

(g) *Beneficiaries of individual waivers.* (1) An alien who would be within one of the categories described in paragraphs (a) through (d) of this section except that the alien is applying for a visa in a country of which the applicant is a national and possession of a passport is required for departure, in whose case the passport requirement has been waived by the Secretary of State, as evidenced by a specific instruction from the Department.

(2) An alien unable to obtain a passport and not within any of the foregoing categories, in whose case the passport requirement imposed by § 42.64(b) or by DHS regulations has been waived by the Secretary of Homeland Security and the Secretary of State as evidenced by a specific instruction from the Department.

[52 FR 42613, Nov. 5, 1987, as amended at 56 FR 49680, Oct. 1, 1991]

**Subpart B—Classification and Foreign State Chargeability**

**§ 42.11 Classification symbols.**

A visa issued to an immigrant alien within one of the classes described below shall bear an appropriate visa symbol to show the classification of the alien.

IMMIGRANTS

Symbol	Class	Section of law
<b>Immediate Relatives</b>		
IR1 .....	Spouse of U.S. Citizen .....	201(b).
IR2 .....	Child of U.S. Citizen .....	201(b).
IR3 .....	Orphan Adopted Abroad by U.S. Citizen .....	201(b) & 101(b)(1)(F).
IH3 .....	Child from Hague Convention Country Adopted Abroad by U.S. Citizen .....	201(b) & 101(b)(1)(G).
IR4 .....	Orphan to be Adopted in U.S. by U.S. Citizen .....	201(b) & 101(b)(1)(F).
IH4 .....	Child from Hague Convention Country to be Adopted in U.S. by U.S. Citizen .....	201(b) & 101(b)(1)(G).
IR5 .....	Parent of U.S. Citizen at Least 21 Years of Age .....	201(b).
CR1 .....	Spouse of U.S. Citizen (Conditional Status) .....	201(b) & 216.
CR2 .....	Child of U.S. Citizen (Conditional Status) .....	201(b) & 216.
IW1 .....	Certain Spouses of Deceased U.S. Citizens .....	201(b).
IW2 .....	Child of IW1 .....	201(b).
IB1 .....	Self-petition Spouse of U.S. Citizen .....	204(a)(1)(A)(iii).